

if incorporation by reference is necessary, the incorporated material shall be identified with respect to document and page. It is requested, but not required, that 10 copies and attachments, if any, be submitted.

**§ 553.23 Consideration of comments received.**

All timely comments are considered before final action is taken on a rulemaking proposal. Late filed comments may be considered as far as practicable.

**§ 553.25 Additional rulemaking proceedings.**

The Administrator may initiate any further rulemaking proceedings that he finds necessary or desirable. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Administrator or his representative and interested persons at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Administrator, at which a transcript or minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

**§ 553.27 Hearings.**

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, non-adversary, fact-finding proceedings, at which there are no formal pleadings or adverse parties. Any rule issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Administrator designates a representative to conduct any hearing held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

**§ 553.29 Adoption of final rules.**

Final rules are prepared by representatives of the office concerned and the Office of the Chief Counsel. The rule is then submitted to the Administrator for its consideration. If the Administrator adopts the rule, it is published in the FEDERAL REGISTER, unless

all persons subject to it are named and are personally served with a copy of it.

**§ 553.31-553.33 [Reserved]**

**§ 553.35 Petitions for reconsideration.**

(a) Any interested person may petition the Administrator for reconsideration of any rule issued under this part. The petition shall be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590. It is requested, but not required, that 10 copies be submitted. The petition must be received not later than 45 days after publication of the rule in the FEDERAL REGISTER. Petitions filed after that time will be considered as petitions filed under Part 552 of this chapter. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest. Unless otherwise specified in the final rule, the statement and explanation together may not exceed 15 pages in length, but necessary attachments may be appended to the submission without regard to the 15-page limit.

(b) If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Administrator within the prescribed time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.

**§ 553.37 Proceedings on petitions for reconsideration.**

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any rule, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he prepares a notice of the grant

or denial of a petition for reconsideration, for issuance to the petitioner, and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

**§ 553.39 Effect of petition for reconsideration on time for seeking judicial review.**

The filing of a timely petition for reconsideration of any rule issued under this part postpones the expiration of the statutory period in which to seek judicial review of that rule only as to the petitioner, and not as to other interested persons. For the petitioner, the period for seeking judicial review will commence at the time the agency takes final action upon the petition for reconsideration.

[60 FR 63651, Dec. 12, 1995]

**APPENDIX TO PART 553—STATEMENT OF POLICY: ACTION ON PETITIONS FOR RECONSIDERATION**

It is the policy of the National Highway Traffic Safety Administration to issue notice of the action taken on a petition for reconsideration within 90 days after the closing date for receipt of such petitions, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact, and the date by which it is expected that action will be taken, will be published in the FEDERAL REGISTER.

**PART 554—STANDARDS ENFORCEMENT AND DEFECTS INVESTIGATION**

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AUTHORITY: 49 U.S.C. 30102–103, 30111–112, 30117–121, 30162, 30165–67; delegation of authority at 49 CFR 1.50.

SOURCE: 45 FR 10797, Feb. 19, 1980, unless otherwise noted.

**§ 554.1 Scope.**

This part establishes procedures for enforcing Federal motor vehicle safety standards and associated regulations, investigating possible safety-related defects, and making non-compliance and defect determinations.

**§ 554.2 Purpose.**

The purpose of this part is to inform interested persons of the procedures followed by the National Highway Traffic Safety Administration in order more fairly and effectively to implement 49 U.S.C. Chapter 301.

[60 FR 17267, Apr. 5, 1995]

**§ 554.3 Application.**

This part applies to actions, investigations, and defect and noncompliance decisions of the National Highway Traffic Safety Administration under 49 U.S.C. 30116, 30117, 30118, 30120 and 30165.

[60 FR 17267, Apr. 5, 1995]

**§ 554.4 Office of Vehicle Safety Compliance.**

The Office of Vehicle Safety Compliance, investigates compliance with Federal motor vehicle safety standards and associated regulations, and to this end may:

- (a) Verify that manufacturers certify compliance with all applicable safety standards;
- (b) Collect field reports from all sources;
- (c) Inspect manufacturers' certification test data and other supporting evidence, including dealer communications;
- (d) Inspect vehicles and equipment already in use or new vehicles and equipment at any stage of the manufacturing, distribution and sales chain;
- (e) Conduct selective compliance tests; and
- (f) Utilize other means necessary to conduct investigations.

**§ 554.5 Office of Defects Investigation.**

The Office of Defects Investigation conducts investigations to implement the provisions of the Act concerning the identification and correction of safety-related defects in motor vehicles and motor vehicle equipment. It elicits